

	Portales Police Department	SOP #	213.01
	Standard Operating Procedure & Policy	OPR. #	13.01
	Domestic Violence		
1700 N. Boston St. Portales NM, 88130		Approval:	Pat Gallegos, Chief of Police
(575) 356-4404			

## I. STATEMENT OF PURPOSE

It will be the policy of this Department to respond to all reports of domestic violence, provide for the safety of involved parties, and take appropriate law enforcement action as defined in current state statutes.

## II. DEFINITIONS

### A. Domestic Violence

1. Any incident by a household member against another household member resulting in:
  - a. Physical harm
  - b. Severe emotional distress
  - c. Bodily injury or assault
  - d. A threat causing imminent fear of bodily injury by any household member.
  - e. Criminal trespass
  - f. Criminal damage to property
  - g. Repeatedly driving by a residence or work place
  - h. Telephone harassment
  - i. Stalking
  - j. Harassment
  - k. Harm or threatened harm to children residing in the home or residing elsewhere who would be considered a household member.

### B. Household Member

1. Household member is a spouse, former spouse, family member including a relative, child, co-parent of a child or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member.

C. Petitioner

1. The person requesting the Family Protection Order.

D. Respondent

1. The offender named in a Family Protection Order.

E. Family Protection Order

1. An order granted for the protection of victims of domestic abuse. Also, may be called a "Domestic Violence Order" (DVO).
2. These orders indicate the court decisions regarding the incident, and specifically describe the acts the court has ordered the respondent (or offender) to do or refrain from doing. These orders may be served by any law enforcement officer, and any law enforcement officer may make an arrest on the basis of the order provided they have probable cause to believe that the order has been violated.

### III. RULES AND PROCEDURES

- A. Police Officers who are dispatched to Domestic Violence calls will take whatever steps are reasonably necessary to protect the victim from further domestic abuse.
- B. A police officer responding to the request for assistance shall be required to identify the predominant aggressor by evaluating offensive and defensive wounds, past contacts and known information by the police.
- C. Police Officers shall advise victims of Domestic Violence of the remedies available under the Family Violence Protection Act (40-13-1 to 40-13-7 NMSA 1978), the right to file a written statement or request for an arrest warrant and the availability of domestic violence shelters, medical care, counseling and other services.
- D. Officers shall make reasonable efforts to arrange for transportation to a shelter, safe refuge, or medical facility for victims of domestic abuse. When it is possible and the Sheriff's Department is available, arrangements can be made for transportation to destinations substantially outside the city limits but within Roosevelt County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time.
- E. If requested by the petitioner, Police Officers will accompany the victim to their residence to remove clothing and personal effects required for immediate needs and the clothing and personal effects of any children then

in the care of the victim.

- F. Upon request of the petitioner, assist in placing the petitioner in possession of the dwelling or premises or otherwise assist in execution or service of the order of protection.
- G. Arrest of the abusing household member is mandatory when the Officer has probable cause to believe that a battery has been committed upon a family or household member. If the primary aggressor is no longer on scene you shall immediately petition for an arrest warrant.
- H. Advise the victim, when appropriate, of the procedure for initiating proceedings under the Family Violence Protection Act or under criminal statutes if applicable, and of the importance of preserving evidence.
- I. Any law enforcement officer responding to the request for assistance under the Family Violence Protection act is immune from civil liability to the extent allowed by law.
- J. Personnel will complete an Initial Offense Report on every incident of domestic disturbance they are dispatched to, regardless of whether or not an injury was sustained, an assault was committed, or enforcement action was taken.
  - 1. Offense reports that are generated for calls that are of a "Domestic Violence" nature will be documented as "Verbal Domestic."
- K. The Department will provide each Officer with several "Domestic Violence Packets" which will contain all the necessary information that a victim will need to guide them in the process of filing for a Family Protection Order.
- L. Department personnel will provide victims of domestic violence with a "Domestic Violence Packet" and will direct them in the steps necessary to obtain a Family Protection Order.
- M. Officers may arrest a person without a warrant when the officer is at the scene of a domestic abuse call and has probable cause to believe that the person has committed an assault or a battery upon a household member as defined above. When an arrest is made, officers shall charge the offender under the appropriate statute for battery and/or assault as authorized by 31-1-7, NMSA 1978. These laws can be used even when no Order of Protection exists.
- N. Officers will assist victim(s) in obtaining an emergency order of protection under the guidelines of 40-13-3.2 NMSA 1978.

#### IV. RELEASE OF DOMSECTIC VIOLENCE OFFENDERS

- A. When an offender in a domestic violence incident is being released from custody, it is the responsibility of the holding facility to inform the arresting agency of the impending release. The arresting agency must then inform the victim that the offender is being released.
- B. In order to comply with the above requirement the following steps will be followed by Department personnel:
  - 1. The initial Officer making an arrest at a domestic violence call will ensure that the victim is provided with the telephone number for the dispatch center.
  - 2. The initial Officer will obtain a telephone number where the victim can be reached.
  - 3. The Officer will advise the victim that they can call the Dispatch Center to make changes in their contact number by giving their name and new number.
  - 4. The initial Officer will attach to the booking sheet the Domestic Violence Notification Form (PPD-007) so that the victim can be notified.
- C. Personnel at the detention center will contact the Police Department Dispatch Center when the offender is being released and provide them with the Domestic Violence Notification Form (PPD-007)
- D. Police Department Dispatch Center personnel will reference the correct telephone number for the victim and will make three (3) attempts to contact them. The first attempt should be made within thirty (30) minutes of our notification. All three attempts should be made within the first two hours after notification has been received.
- E. Dispatch Center Personnel will log all attempts to notify the victim on the DV Notification Form.
- F. In cases where the victim does not have a telephone or after the three (3) telephonic attempts, an Officer will be dispatched one time to make notification of the offender's release. If the victim has moved to a location outside of our normal patrol area, the law enforcement agency having primary patrol responsibility for the area will be contacted and requested to make notification.
- G. The victims contact number or location will not be given to anyone other than law enforcement personnel.

## V. SERVICE OF FAMILY PROTECTION ORDERS

- A. The District Court Clerk of Roosevelt County maintains a file of all Orders of Protection and is open from 0800 to 1600 hours Monday through Friday. When an officer comes in contact with a party suspected of violating an Order of Protection, verification of the order may be made by calling the District Court Clerk's Office.
- B. After hours, officers shall contact the Portales Police Department Dispatch Center and check if an Order of Protection is on file. If one is not on file and the party has a signed, dated and Court stamped copy in their possession, the officer shall consider it valid and a copy shall be made for the officer's report by use of the Department's copy machine.
- C. Arrests for violation of a Family Protection Order may be made only after verification of service.
- D. When filling out a booking sheet, under the charge section, the officer will write "Violation of Court Protection Order" and include the Domestic Relations or District Court Order number. The officer will also cite 40-13-1 ET. Seq. NMSA 1978, Family Violence Protection Act, on the booking sheet charge section. The Roosevelt County Detention Center will hold an offender in jail without bond until the bond has been set at a hearing.
- E. If Police Officers arrive at the scene of a domestic disturbance and discover that a violation of a protection order has occurred, (and are able to verify service of a Family Protection Order), an immediate arrest shall be made.
- F. If personnel are at the scene of a domestic disturbance and the victim states that a protection order has been filed but not served, Police Officers may then serve the petitioners copy to the respondent. The respondent shall be permitted to comply with the order and, if this is not done, an immediate arrest shall be made.

## VI. DEPARTMENT PERSONNEL INVOLVED IN DOMESTIC VIOLENCE

The following procedures have been developed to ensure that department policy is applied fairly and impartially to all members of the community.

- A. When a police officer responds to a call of domestic abuse and finds that the offender or victim is member of the Portales Police Department or another law enforcement agency, the responding officer will call the Shift Supervisor, who will in turn contact the Patrol Lieutenant. If the Patrol Lieutenant is not available then the shift supervisor will contact one of the other division commanders.

- B. Should the victim/offender officer be of equal or higher rank than that of the responding supervisor, the responding supervisor will then contact someone of higher rank than that of the offender/victim.
- C. An outside agency will be called in to investigate the incident involving department personnel.
- D. Depending on the nature of the alleged offense and the totality of the circumstances, the officer from the Portales Police Department may be placed on paid or unpaid administrative leave at the discretion of the chief or his designee.
- E. In the event that the officer from the Portales Police Department has an order of protection placed against him / her, the officer may be placed on administrative leave due to federal law prohibiting a person to be in possession of a firearm while having a protection order in place against them.
- F. At the conclusion of the criminal investigation, an internal investigation will be conducted if the Portales Police officer was identified as the offender.